

AMENDED IN SENATE MAY 10, 2005

AMENDED IN SENATE MAY 3, 2005

AMENDED IN SENATE APRIL 18, 2005

SENATE BILL

No. 796

**Introduced by Senator Figueroa
(Principal coauthors: Senators Ducheny and Murray)**

February 22, 2005

An act to add Chapter 8.5 (commencing with Section 11820) to Part 1 of Division 3 of Title 2 of, to add and repeal Chapter 22.5 (commencing with Section 7528) of Division 7 of Title 1 of, and to add and repeal Article 10 (commencing with Section 11364) of Chapter 3.5 of Division 3 of Title 2 of, the Government Code, relating to state government operations.

LEGISLATIVE COUNSEL'S DIGEST

SB 796, as amended, Figueroa. State government operations: accountability.

Existing law also generally sets forth the duties and responsibilities of the head of any state agency, department, board, commission, bureau, or program.

This bill would enact the Government Modernization, Efficiency, Accountability, and Transparency Act of 2005, which, among other things, would require until January 1, 2012, every state agency, department, board, bureau, commission, or other governmental entity that issues permits or licenses to individuals or businesses, or grants access to government programs on the basis of an application to post on a Web site, no later than January 1, 2007, a link entitled "customer service" that contains, among other things, specified information for

frequently asked questions, forms and applications, and instructions for filing complaints in electronic format via the Internet.

This bill would require, until January 1, 2012, among other things, that applicable bulletins and notices required pursuant to the Administrative Procedure Act and notices of all public meetings and agendas related to state regulatory actions be posted on the respective government Web sites of these state entities no later than January 1, 2007. The bill would require, to the extent practicable, that hearings on proposed regulations be televised over the Internet via a Web cast or other technology.

This bill would create a specified task force and require the task force, no later than January 1, 2007, to, among other things, identify those state agencies, as defined, that, in the judgment of the task force, should be reviewed for performance, as specified, and to define performance measures that will guide each agency in establishing its own performance measures for how well or poorly it is fulfilling the public policy purposes for which it was created. It would require each identified agency, no later than January 1, 2008, to establish and post on its Internet Web site performance measures consistent with the task force's guideline definition.

The bill would also require the task force, no later than January 1, 2008, and every 2 years thereafter, in its discretion, to assign a letter grade to the identified agencies and would require the Governor to post the agency's letter grade on an Internet Web site.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 Government Modernization, Efficiency, Accountability, and
3 Transparency Act of 2005.

4 SEC. 2. Chapter 22.5 (commencing with Section 7528) is
5 added to Division 7 of Title 1 of the Government Code, to read:

6
7 CHAPTER 22.5. CALIFORNIA TAXPAYERS' RIGHT TO CUSTOMER
8 SERVICE
9

10 7528. (a) In addition to any other requirement, every state
11 agency, department, board, bureau, commission, or other

1 governmental entity that issues permits or licenses to individuals
2 or businesses, or grants access to government programs on the
3 basis of an application, shall post on a Web site, no later than
4 January 1, 2007, a link entitled “customer service” that contains
5 the following information:

6 (1) A link entitled “frequently asked questions” that answers
7 questions about how to obtain a permit or license or have an
8 application granted and how to appeal from the denial of a
9 permit, license, or application.

10 (2) A link for forms and applications and appeal-related
11 documents that are available in a format that permits them to be
12 downloaded and printed from the governmental entity’s Web
13 site.

14 (3) A link with instructions on how individuals may file
15 complaints, including via electronic means, related to issues
16 under the jurisdiction of the state agency, department, board,
17 bureau, commission, or other governmental entity.

18 (b) Nothing in this chapter shall affect the discretion of a state
19 agency, department, board, bureau, commission, or other
20 governmental entity to post on the Internet information in
21 addition to what is required to be disclosed by this chapter.

22 (c) The information required by this chapter is in addition to
23 any other that is otherwise required by law.

24 7528.1. This chapter shall remain in effect only until January
25 1, 2012, and as of that date is repealed, unless a later enacted
26 statute, that is enacted before January 1, 2012, deletes or extends
27 that date.

28 SEC. 3. Article 10 (commencing with Section 11364) is
29 added to Chapter 3.5 of Division 3 of Title 2 of the Government
30 Code, to read:

31
32 Article 10. California Taxpayers’ Right to Self-Governance
33 and Participation
34

35 11364. (a) In addition to any other requirement, every state
36 board, bureau, commission, department, or agency shall post on
37 its homepage of its Web site, no later than January 1, 2007, a link
38 entitled “Decisions Pending and Opportunities for Public
39 Participation” where the link contains all of the following
40 information:

1 (1) All applicable bulletins and notices required pursuant to
2 this chapter.

3 (2) Notices of all public meetings and agendas related to
4 regulatory actions, including, but not limited to, consistency
5 determinations, adoption of agreements, disciplinary
6 proceedings, permit, license, or application approvals or
7 renewals, ratesetting, and proposed plans related to land or
8 resource uses. This information shall be posted no later than ____
9 days before the meeting where the regulatory action is on the
10 agenda.

11 (3) Instructions on how the public may submit written
12 comments or otherwise participate in administrative procedures,
13 meetings, and hearings with a link entitled “How to Participate.”

14 (4) A link to the text of all regulations and statutes related to
15 current bulletins and notices entitled “Laws and Regulations
16 Relevant to Current Public Proceedings.”

17 (5) A link that provides an opportunity for the public to
18 comment on draft regulations pursuant to this chapter through
19 electronic mail or by facsimile entitled “Submit Your Comments
20 on Draft Regulations Here.”

21 (b) Every state board, bureau, commission, department, or
22 agency shall, to the extent practicable, have hearings on proposed
23 regulations televised over the Internet via a Web cast or other
24 technology.

25 (c) (1) The information required by this article is in addition
26 to any other that is otherwise required by law.

27 (2) Nothing in this article shall affect the discretion of a state
28 governmental entity to do either of the following:

29 (A) Post on its Web site or the Internet information in addition
30 to what is required to be disclosed by this article.

31 (B) Post accurate and truthful explanatory information
32 intended to place the information required by this article in an
33 appropriate context.

34 11365. This article shall remain in effect only until January 1,
35 2012, and as of that date is repealed, unless a later enacted
36 statute, that is enacted before January 1, 2012, deletes or extends
37 that date.

38 SEC. 4. Chapter 8.5 (commencing with Section 11820) is
39 added to Part 1 of Division 3 of Title 2 of the Government Code,
40 to read:

CHAPTER 8.5. CALIFORNIA TAXPAYERS' PERFORMANCE
REPORT CARD

11820. The Legislature finds and declares all of the following:

(a) The residents of California are the true and ultimate supervisors of California state government.

(b) As such, the public must be able to hold the executive branch it elects to run state government accountable as to whether that state government is run efficiently and effectively. The public therefore deserves to know the truth about how well or poorly its government is run.

(c) At the November 2, 2004, statewide general election, the voters overwhelmingly approved Proposition 59, which provides the public with a right of access to public meetings and the writings of government officials, indicating the public's strong support for transparency in government.

(d) The public must therefore be able to routinely and easily obtain information about the operations and performance of state government.

(e) This information can be provided to the residents of California inexpensively, for example, simply by using existing data or by uploading existing electronic documents, and posting hard copies of existing documents on the Internet.

11821. For purposes of this chapter, the following terms have the following meanings:

~~(a) "Agency" means any state agency, department, board, commission, bureau, or program.~~

(a) "Agency" means a state agency, as defined in subdivision (a) of Section 11000.

~~(b) "Task force" means a task force comprised of the Director of Finance, the chair of the Little Hoover Commission, the State Auditor, the Legislative Analyst, and one member of the Governor's cabinet appointed by the Governor or each of these members' designee. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint one member. Staffing for the task force shall be provided by the Bureau of State Audits.~~

11822. (a) No later than January 1, 2007, the task force shall, after public comment and hearing, do all of the following:

1 (1) Identify those agencies that, in the judgment of the task
2 force, should be reviewed for performance on the basis of which
3 agencies have the most important impact on the lives of
4 Californians.

5 (2) Define “performance measure,” and provide examples of
6 what is and is not a “performance measure” that will guide each
7 agency in establishing its own performance measures for how
8 well or poorly it is fulfilling the public policy purposes for which
9 it was created. In developing this definition, the task force shall
10 give preference to definitions and examples based upon data that
11 is currently collected.

12 (b) No later than January 1, 2008, and every two years
13 thereafter, the task force shall, in its discretion, commence
14 assigning to each agency identified pursuant to paragraph (1) of
15 subdivision (a) a letter grade ranging from “A” to “F.”

16 (c) In assigning grades, the task force shall determine
17 appropriate categories for grading, shall assign a grade for each,
18 and the final grade shall be an average of the grades assigned for
19 each category. In doing the grading, the task force shall not set a
20 grade based upon performance if the poor performance is due to
21 inadequate funding or resources beyond the control of the
22 agency.

23 11823. (a) No later than January 1, 2008, each agency
24 identified pursuant to paragraph (1) of subdivision (a) of Section
25 11822 shall establish and post on its Internet Web site a strategic
26 plan, including performance measures, to assist the public in
27 evaluating how well or poorly it is fulfilling the public policy
28 purposes for which it was created. In developing these
29 performance measures, the agency shall be guided by the
30 guideline definition developed by the task force pursuant to
31 paragraph (2) of subdivision (a) of Section 11822 and shall give
32 preference to performance measures that are based on data that is
33 currently collected.

34 (b) Within 10 days of the task force assigning a letter grade to
35 an agency, the agency shall post the letter grade or grades on its
36 Internet Web site in white font no smaller than 20 point against a
37 black background for as long as the grade is current.

38 11824. Nothing in this chapter shall affect the discretion of a
39 board, bureau, commission, department, or agency to post on the
40 Internet or otherwise disclose information in addition to what is

1 required to be disclosed by this chapter, nor shall it affect the
2 discretion to post accurate and truthful explanatory information
3 intended to place the information required by this chapter in an
4 appropriate context. The disclosures required by this chapter are
5 in addition to those that may otherwise be required by any other
6 provision of law.

7 11824.1. The Governor shall post on a Web site entitled
8 “Taxpayers’ Performance Report Card,” with a link from the
9 Governor’s Internet home page. The Web site shall disclose the
10 grades of each agency that has received a grade from the task
11 force.